

Legislative Fiscal Bureau

Fiscal Note

HF 2111 - Dating Violence (LSB 5846 HV)

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Fiscal Note Version – New

Requested by Representative David Millage

Description

House File 2111 amends Section 236.2, Code of Iowa, to provide protection from domestic abuse for persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. The intimate relationship need not include sexual involvement. The Bill exempts intimate relationship domestic abuse assault from enhanced penalties for domestic abuse, but victims are eligible for no-contact orders. The court may order a person convicted of intimate relationship domestic abuse to participate in a batterer's treatment program.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. Intimate domestic abuse assault can be prosecuted as assault under current law. The Bill exempts intimate domestic abuse assault from the enhanced penalties of domestic abuse. Therefore, the effect of the Bill is to provide no-contact orders for victims of intimate relationship domestic abuse assault.
6. House File 2111 will cause at least 33 offenders annually to be convicted of summary contempt for violating a no-contact order.
7. House File 2111 may increase demand for the batterer's treatment program. The impact cannot be estimated because of sentencing discretion and insufficient information.
8. The marginal cost per day for county jails ranges from \$15 to \$25 per offender. The average time served in jail under Section 236.8, Code of Iowa, is 10 days.
9. The median cost per case for summary contempt is \$250 to defend.

10. Average court costs for domestic abuse cases are \$108 per case. This figure includes expenses for a District Court Judge, court attendant, court reporter, and the Clerk of Court.
11. Section 3 of HF 2111 requires the court to issue a protective order based upon a finding of domestic abuse by a preponderance of the evidence, if the facts are contested. This provision will increase the number of domestic abuse restraining orders issued, and therefore increase convictions for violations of those orders. An estimate for the costs associated with these orders cannot be provided, due to insufficient data to project how many additional convictions would be imposed.

Correctional Impact

House File 2111 is expected to increase jail admissions by 16 during FY 2003, and by 33 each year thereafter. Each person admitted to the county jail will serve 10 days.

Fiscal Impact

House File 2111 will have the following impact:

State General Fund Impact:

Indigent defense costs are estimated to be \$4,000 during FY 2003 and \$8,000 during FY 2004.

The court system will incur additional costs for an increased number of summary contempt proceedings. The FY 2003 cost is estimated to be \$1,700. For FY 2004, the cost is estimated to be \$3,600.

Total State criminal justice system (Indigent Defense and Judicial Branch) costs are estimated to be \$6,000 for FY 2003. For FY 2004, total State costs are estimated to be \$12,000.

Local Government Impact:

Total statewide costs for county jails are estimated to range from \$2,400 to \$4,000 during FY 2003. FY 2004 costs are estimated to range from \$5,000 to 8,200.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Supreme Court
State Public Defender's Office

_____/s/ Dennis C Prouty_____

January 30, 2002